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IN THE COURT OF APPEALS OF INDIANA

JESSICA ILES,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A05-0709-CR-540
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Richard Sallee, Judge
Cause No. 49G16-0705-CM-082224

April 15, 2008

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Jessica Iles ("Iles") was convicted in Marion Superior Court of Class A misdemeanor battery. She appeals and argues that the evidence was insufficient to support her conviction. We affirm.

Facts and Procedural History

On May 9, 2007, Iles and her boyfriend, Glenn Turpin ("Turpin") were involved in an argument, which escalated to the point that Iles threw an object at a glass-topped table causing the glass to break. Iles then picked up a piece of broken glass and threw it at Turpin. The glass struck Turpin's right hand and resulted in a cut near the knuckles of his ring and pinky fingers. Tr. p. 11. The cut bled and required two stitches to close. Turpin admitted to pushing Iles after she threw the piece of glass at him. As a result of the incident, both Iles and Turpin were arrested.

Iles was charged with Class A misdemeanor battery and Class B misdemeanor disorderly conduct. A bench trial was held on July 2, 2007. The court granted Iles's motion to dismiss the disorderly conduct count, but found her guilty of Class A misdemeanor battery. She was sentenced to 365 days, with 28 days executed and 337 days suspended to probation. Iles now appeals. Additional facts will be provided as necessary.

Discussion and Decision

When we review a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the judgment and the reasonable inferences therein to determine whether a reasonable trier of fact could

conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id.

Iles argues that the evidence is insufficient to support her Class A misdemeanor battery conviction. To establish that Iles committed battery, the State was required to prove that Iles knowingly or intentionally touched Turpin in a rude, insolent, or angry manner, which resulted in bodily injury. See Ind. Code § 35-42-2-1 (2004 & Supp. 2007); Appellant's App. p. 16.

Iles argues that the evidence is insufficient to support her conviction because her friend Rebecca Goudy testified that Turpin cut his hand after he "punched the window out." Tr. p. 20. Iles's argument is merely an invitation to our court to reweigh the evidence and the credibility of the witnesses, which our court will not do.

Iles also asserts that Turpin's testimony is incredibly dubious. Under the incredible dubiosity rule, "a court will impinge on the [fact-finder's] responsibility to judge the credibility of the witness only when it is confronted with inherently improbable testimony or coerced, equivocal, wholly uncorroborated testimony of incredible dubiosity." Stephenson v. State, 742 N.E.2d 463, 497 (Ind. 2001). Reversal under this rule is rare, and the testimony at issue must be "so incredibly dubious or inherently improbable that no reasonable person could believe it." Love v. State, 761 N.E.2d 806, 810 (Ind. 2002).

Turpin pleaded guilty in juvenile court to battery as a result of his arrest on the date of the incident and received probation. Consequently, Iles argues that Turpin's testimony is incredibly dubious. We do not agree. Turpin's testimony was unequivocal

and consistent, and we cannot say that his testimony was so "inherently improbable that no reasonable person could believe it."

Turpin testified that Iles threw a thick piece of glass at him, the glass struck him on his hand, and resulted in a cut near the knuckles of his ring and pinky fingers. The cut bled and required two stitches to close it. This evidence is sufficient to support Iles's conviction for Class A misdemeanor battery.

Affirmed.

MAY, J., and VAIDIK, J., concur.